

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
v.
JOSE CAPRIATA,
Defendant.

12-CR-712 (SHS)
16-CV-4649 (SHS)
ORDER

SIDNEY H. STEIN, U.S. District Judge.

28 U.S.C. § 2255 provides, in relevant part, that if a court grants a prisoner's section 2255 motion, "the court shall vacate and set the judgment aside and shall discharge the prisoner." 28 U.S.C. § 2255(b). Pursuant to the Court's Opinion and Order vacating Jose Capriata's conviction on Count Two, (Op. & Order, ECF No. 729), and considering that Capriata has already served the maximum statutory sentence on Count One, (*see* Gov't's Sentencing Submission at 5, ECF No. 552), the Bureau Prisons is HEREBY ORDERED to discharge him.

The Court directs the United States Attorney's Office to immediately notify the Bureau of Prisons of this Order and directs the Clerk of Court to mail a copy of this decision to the Warden of USP Atlanta, Capriata's facility, as follows: USP Atlanta, U.S. Penitentiary, 601 McDonough Blvd. SE, Atlanta, GA, 30315.

Dated: New York, New York
April 2, 2021

SO ORDERED:



Sidney H. Stein, U.S.D.J.